

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MYRA GOMEZ,

*

Plaintiff *pro se*,

*

v.

*

Civil Action No. RDB-06-712

BOARD OF EDUCATION,

*

Defendant.

*

* * * * *

MEMORANDUM OPINION

Plaintiff Myra Gomez (“Gomez” or “Plaintiff”) initiated this employment discrimination action against the Board of Education of Prince George’s County, Maryland (“Board of Education” or “Defendant”) by filing a Complaint with this Court on March 17, 2006. Pending before this Court is the Defendant’s Motion to Dismiss for insufficient service of process pursuant to Rule 4(c)(1) of the Federal Rules of Civil Procedure.¹ (Paper No. 8.) For the following reasons, Defendant’s Motion to Dismiss is GRANTED.

On March 27, 2006, this Court issued an Order directing Gomez to serve the Board of Education with copies of the summons and Complaint within 120 days of the filing of her Complaint. (Paper No. 2.) A summons was issued to the Board of Education on March 27, 2006 (Paper No. 3), but the Defendant did not receive a copy of the Complaint from the Plaintiff.

On August 4, 2006, this Court issued another Order requiring Gomez to serve both summons and Complaint on the Board of Education within thirty days and to file an affidavit

¹ Rule 4(c)(1) requires that “[a] summons shall be served together with a copy of the complaint. The plaintiff is responsible for service of a summons and complaint within the time allowed . . . and shall furnish the person effecting service with the necessary copies of the summons and complaint.”

with the Court on or before September 5, 2006 attesting to the completion of service. (Paper No. 6.) Failure to comply with the Order would result in dismissal of the case. Gomez filed a handwritten statement with the Court on August 17, 2006 certifying that she had served the Defendant with both summons and Complaint. (Paper No. 7.) Attached to her statement was a copy of the return receipt from the U.S. Postal Service indicating that the documents had been delivered to the Board of Education for the Prince George's County Public Schools on April 5, 2006.

The Board of Education filed the subject Motion to Dismiss on October 19, 2006, stating that Gomez had attempted to effectuate service of process on April 11, 2006, but that she failed to include in the delivery a copy of the Complaint. (Def.'s Mot. Dismiss ¶ 3.) This Court finds that Plaintiff has not complied with the requirements of Rule 4(c)(1) of the Federal Rules of Civil Procedure or this Court's Order of August 4, 2006, because she did not effectuate proper service of process. Accordingly, Defendant's Motion to Dismiss is GRANTED.

CONCLUSION

For the reasons stated above, Defendant's Motion to Dismiss is GRANTED. A separate Order follows.

Dated: April 2, 2007

/s/

Richard D. Bennett
United States District Judge